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HUMAN RIGHTS COUNCIL
Sub-Commission on the Promotion and
Protection of Human Rights
Fifty-eighth session
Working Group on Minorities
Twelfth session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Note by the Secretary-General

Introduction

1. The establishment of the Working Group on Minorities was recommended by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in its resolution 1994/4 of 19 August 1994 and authorized by the Commission on Human Rights in its resolution 1995/24 of 3 March 1995, in which it called upon the Sub-Commission to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135 of 18 December 1992). For that purpose it authorized the Sub-Commission to establish an intersessional working group. This resolution was subsequently endorsed by the Economic and Social Council in its resolution 1995/31 of 25 July 1995. By decision 1998/246 of 30 July 1998, the Economic and Social Council extended the mandate of the Working Group with a view to its holding one session of five working days annually. In its resolution 2005/79 of 21 April 2005, the Commission on Human Rights recommended changes to the mandate of the Working Group,

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which were endorsed by the Economic and Social Council in its decision 2005/278 of 25 July 2005. The mandate of the Working Group on Minorities was amended “with a view to its holding one session of three consecutive working days annually during the time of the annual session of the Sub-Commission, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert, who shall participate as an observer”. It may also be noted that the Working Group on Minorities in its resolution of 2005/18 of 10 August requested the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group on Minorities to meet for five working days prior to the fifty-eighth and subsequent sessions of the Sub-Commission. According to General Assembly resolution 60/251 of 15 March 2006, the Human Rights Council was established. Pursuant to this resolution, all mandates, mechanism, functions and responsibilities of the Commission on Human Rights would be assumed as of 19 June 2006 by the Human Rights Council, which would review them as appropriate.

2. The Human Rights Council adopted decision 2006/102 on 30 June 2006, entitled “Extension by the Human Rights Council of all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights. In this decision, it was stated, *inter alia*:

“(b) That the final session of the Sub-Commission on the Promotion and Protection of Human Rights shall be convened starting 31 July for a period of up to four weeks, if so decided by the Sub-Commission, including its pre-sessional and in-sessional working groups, and shall give due priority to preparing:

(i) A paper on the Sub-Commission’s record that gives its own vision and recommendations for future expert advice to the Council, to be submitted to the Council in 2006;

(ii) A detailed list describing the status of all the Sub-Commission’s ongoing studies as well as an overall review of its activities, to be submitted to the Council in 2006;

4. *Also decides* that the Working Groups and the Social Forum of the Sub-Commission shall be convened to hold their annual sessions in accordance with current practices in order to contribute to the Sub-Commission’s paper as described in subparagraph 3 (b) (i) above;”

3. The twelfth session of the Working Group is scheduled to be held in the mornings only, from 8 to 11 August 2006 at the United Nations Office at Geneva.

Item 1 Adoption of the agenda

4. The provisional agenda for the twelfth session of the Working Group is contained in document E/CN.4/Sub.2/AC.5/2006/1. At its present session, the Working Group will consider the issues in the following order: reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments, with a sub-item on effective mechanisms for solutions to problems involving minorities, including conflict prevention and resolution; recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities; future activities and cooperation with the independent expert on minority issues and United Nations organizations; and other matters.

Item 2 Organization of work

5. It is proposed that two meetings be devoted to agenda items 3 (a), 3 (b) and 3 (c), and that two meetings be devoted to item 4 of the agenda, namely future activities and cooperation with the independent expert on minorities issues and United Nations organizations, and that one meeting be devoted to other matters for the adoption of the Working Group's conclusions and recommendations at its public meeting on 11 August 2006.

Item 3 (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

6. Under this agenda item, observers representing minorities, Governments and others are invited to present information on measures that have an impact on minority rights, including obstacles and negative developments as well as positive measures taken. In relation to this agenda item, the Working Group will have before it document entitled Minority profile and matrix on the human rights situation of minorities E/CN.4/Sub.2/AC.5/2006/3.

Item 3 (b) Examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments

Sub-item (i) Effective mechanisms for solutions to problems involving minorities, including conflict prevention and resolution

7. The Working Group will continue its examination of solutions to minorities' problems. Under the sub-item on effective mechanisms for solutions to problems involving minorities, including conflict prevention and resolution, the report of the workshop on minorities and conflict prevention and resolution, held in Geneva on 26 and 27 May 2005, (E/CN.4/Sub.2/AC.5/2006/2) will be available for consideration. Additionally, a paper has been submitted on minorities and the United Nations treaty body system, especially on how minorities may make use of the individual complaints mechanisms (E/CN.4/Sub.2/AC.5/2006/4).

Item 3 (c) Recommending further measures, as appropriate, for the promotion and protection of persons belonging to national or ethnic, religious and linguistic minorities

8. The Working Group will continue to discuss further measures for the protection of persons belonging to minorities. A working paper prepared on integration with diversity in policing, security and criminal justice issues will be before the Working Group for its consideration (E/CN.4/Sub.2/AC.5/2006/WP.1).

Item 4 Future activities and cooperation with the independent expert on minorities issues and United Nations organizations.

9. Consideration is to be given to the focus of the work of the Working Group, especially in the light of Commission resolution 2005/79, in which the Commission proposed to amend the mandate of the Working Group and requested the United Nations High Commissioner for Human Rights to appoint an independent expert on minority issues. The recommendations of the Commission were endorsed by the Economic and Social Council. The relevant operative paragraphs 6, 7 and 9 of the resolution read as follows:

“6 *Requests* the High Commissioner to appoint an independent expert on minority issues for a period of two years, with the mandate:

(a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(b) To identify best practices and possibilities for technical cooperation by the Office of the United Nations High Commissioner for Human Rights at the request of Governments;

(c) To apply a gender perspective in his or her work;

(d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates, mechanisms as well as regional organizations;

(e) To take into account the views of non-governmental organizations on matters pertaining to his or her mandate;”

“7. *Requests* the independent expert to submit annual reports on his/her activities to the Commission, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities;”

“9. *Commends* the role of the Working Group on Minorities of the Sub-Commission for the Promotion and Protection of Human Rights as an important forum for dialogue with non-governmental organizations and for examining solutions to problems involving minorities, and decides, in the light of the present resolution, to amend the mandate of the Working Group with a view to its holding one session of three consecutive working days annually during the time of the annual session of the Sub-Commission, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert, who shall participate as an observer;”

10. Note should also be taken of decision 2006/102 of the Human Rights Council (see para. 2 of the present document) by which the Human Rights Council decided that the Sub-Commission and its pre-sessional and in-sessional Working Groups prepare “A paper on the Sub-Commission’s record that gives its own vision and recommendations for future expert advice to the Council, to be submitted to the Council in 2006”.

11. Additionally, the Working Group will have before it a paper on the work of the independent expert on minorities issues for future inclusion in revised versions of the United Nations Guide for Minorities (E/CN.4/Sub.2/AC.5/2006/6).

Item 5 Other matters

12 Under this item, members of the Working Group may consider a range of issues relating to its mandate and its activities and the adoption of the Working Group's conclusions and recommendations at its public meeting on 11 August 2006.
